REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 10-17 and 19-29 are pending in the application, with Claims 10, 16 and 22 being the independent claims.

The Examiner rejected Claims 10-17 and 19-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,064,383 to *Skelly* in view of U.S. Patent No. 7,272,419 to *Schutze et al.* (hereinafter, *Schutze*).

Regarding the §103(a) rejection of Claims 10-17 and 19-29, The Examiner contends that each element the claims is taught, suggested or rendered obvious by the combination of *Skelly* and *Schutze*.[1] More specifically, the Examiner contends that *Skelly* teaches or suggests each element of Claim 10 with the exception of creating by the user, a plurality of emoticons within a range of a transmittable SMS message formed by utilizing a plurality of typical characters and special characters in combination, storing the emoticons by groups in the mobile terminal, and storing an emoticon selected by the user with an SMS message. The Examiner cites *Schutze* in an attempt to remedy these deficiencies.[2]

Skelly discloses a user interface that enables a user to select a character appearance that corresponds with an emotional intensity.[3] *Schutze* discloses devices for coding, transmitting and receiving symbols and/or information.[4]

Regarding Claim 10, this claim recites, in part, an emoticon input method in a mobile terminal that groups a plurality of emoticons and stores the emoticons by groups in the mobile

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[1] See Office Action dated November 10, 2009, page 3.
[2] See Office Action dated November 10, 2009, page 4.
[3] See *Skelly*, Abstract.
[4] See *Schutze*, column 1, lines 9-10.

terminal. A list of the stored emoticon groups is displayed, an emoticon group is selected, and the emoticons of the selected emoticon group are displayed. A selected emoticon is stored in an SMS message.

In rejecting Claim 10, the Examiner cites a portion of *Skelly* describing a set of bitmaps for each character, to reflect gestures and expressions for the character.[5] A list of emoticons is maintained, along with associated gestures and expressions. Upon finding an emoticon entry, the system modifies the expression of a character in a chat session.[6] Thus, while it is possible that gestures and expressions are grouped according to a corresponding emoticon in a list, *Skelly* fails to disclose that a plurality of emoticons are grouped. Additionally, *Skelly* fails to disclose the storage of emoticons by group in the mobile terminal.

The Examiner further cites a portion *Skelly* describing an emotion wheel that allows a user to provide an emotion and corresponding emotional intensity to a character.[7] However, *Skelly* clearly defines an emoticon as a series of characters representing an emotion.[8] The emotion wheel of *Skelly* involves user placement of a position indicator for setting an emotional intensity of a character, and does not allow for the use of an emoticon, or a series of characters representing an emotion. Thus, the emotion wheel of *Skelly* also fails to relate to emoticons.

Contrary to the contentions of the Examiner, *Skelly* fails to disclose the display of a list of stored emoticon groups, the selection of an emoticon group, and the display of emoticons in a selected group, as recited in Claim 10.

Schutze describes the storage of a table having associated speech expressions and symbols, and the transmission of moving pictures via short message through a streaming sequence of non-identical symbols.[9] However, a moving picture described in *Schutze* differs

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[5] See Office Action dated November 10, 2009, page 3.
[6] See *Skelly*, column 1, lines 43-54.
[7] See Office Action dated November 10, 2009, page 4.
[8] See *Skelly*, column 1, lines 48-52.
[9] See *Schutze*, column 2, lines 49-62, and column 4, lines 27-38.

significantly from an emoticon of the present invention. Specifically, the symbol of *Schutze* is not formed by a plurality of typical characters and special characters, and thus, fails to provide any disclosure relating to an emoticon of the present invention. Further, FIGs. 28-35 of *Schutze* illustrate block circuit diagrams elucidating the transmission of moving pictures.[10] *Schutze* fails to provide any disclosure relating to groups or lists of groupings. Therefore, *Schutze* fails to disclose the grouping of emoticons, the displaying of a list of stored emoticon groups, the selection of an emoticon group, the display of emoticons in the selected emoticon group, and the storage of a selected emoticon in an SMS message, as recited in Claim 10. *Schutze* fails to remedy the deficiencies of *Skelly* described above.

The combination of references fails to disclose that a plurality of emoticons are created by a user within a range of a transmittable SMS message formed by utilizing a plurality of typical characters and special characters in combination, that the plurality of emoticons are grouped and stored by groups in the mobile terminal, as recited in Claim 10. Therefore, Claim 10 is patentable over the combination of *Skelly* and *Schutze*.

The Examiner also rejected independent Claims 16 and 22 under 35 U.S.C. §103(a). Claims 16 and 22 recite subject matter similar to that of Claim 10. In view of the above, Claim 16 and 22 are also patentable over the combination of *Skelly* and *Schutze*.

Regarding Claims 11-15, 17, 19-21 and 23-29, while not conceding the patentability of these dependent claims, *per se*, Claims 11-15, 17, 19-21 and 23-29 are also patentable for at least the above reasons. However, the dependent claims also recite patentable subject matter in their own right.

Claims 12 and 25 recite that the emoticons are created and stored directly by the user. *Skelly* describes a head mapping table and a body mapping table,[11] however, these tables are utilized for character creation and fails to relate to emoticons. Specifically, *Skelly* fails to provide

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[10] See Schutze, column 9, lines 3-8.
[11] See *Skelly*, FIG. 10.

any disclosure relating to the creation and storage of emoticons by the user, as recited in Claims 12 and 25. While *Schutze* describes the selection of symbols, it fails to provide any disclosure relating to the creation emoticons from a plurality of typical characters and special characters in combination. *Schutze* fails to remedy the deficiencies of *Skelly*.

Claims 13, 19 and 26 recite that the emoticons are received from a base station and stored in the mobile terminal. While *Skelly* illustrates a server and a comic generating system in FIG. 2, it fails to provide any disclosure relating to the reception of emoticons at a mobile terminal. Specifically, *Skelly* fails to disclose the reception of emoticons from a base station for storage at a mobile terminal, as recited in Claims 13, 19 and 26. *Schutze* fails to remedy the deficiencies of *Skelly*.

Claims 14, 20 and 27 recite that the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal. The Examiner again cites a portion of *Skelly* illustrating a server and a comic generating system,[12] which fails to provide any disclosure relating to the downloading of emoticons from the Internet for storage in a mobile terminal, as recited in Claims 14, 20 and 27. *Schutze* fails to remedy this deficiency of *Skelly*.

Claims 15, 21 and 28 recite that the step of changing and editing the emoticons by the user. *Skelly* fails to provide any disclosure relating to the changing and editing of emoticons by the user, as recited in Claims 15, 21 and 28. While *Schutze* describes the selection of symbols and transmission of a streaming sequence of symbols,[13] it fails to provide any disclosure relating to emoticons. Thus, *Schutze* fails to disclose the changing and editing of emoticons by a user, as recited in Claims 15, 21 and 28. *Schutze* fails to remedy this deficiency of *Skelly*.

Claim 29 recites that the emoticon groups include upper groups and lower groups. *Skelly* fails to provide any disclosure relating to emoticon groups. FIGs. 28-35 of *Schutze* illustrate block circuit diagrams elucidating the transmission of moving pictures. *Schutze* fails to provide

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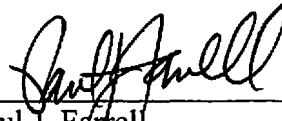[12] See Office Action dated November 10, 2009, page 5.
[13] See *Schutze*, column 2, lines 49-62, and column 4, lines 27-38.

any disclosure relating to groups of emoticons. Therefore, *Schutze* fails to disclose that emoticon groups include upper groups and lower groups, as recited in Claim 29.

Accordingly, Applicant asserts that Claims 10-17 and 19-29 are allowable over *Skelly* and *Schutze*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 10-17 and 19-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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